

ORDINANCE NO. 2000-22-CM

AN ORDINANCE AMENDING CHAPTERS 1, 3 and 4

OF ORDINANCE NO. 97-51-CM

BEING THE UNIFIED ZONING ORDINANCE

OF TIPPECANOE COUNTY.

Be it ordained by the County Commissioners of Tippecanoe County, Indiana, that Ordinance **No. 97-51-CM**, being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

Section 1: Change **1-10-2**, WORDS AND TERMS DEFINED, of **1-10**, DEFINITIONS, of **CHAPTER 1**, GENERAL PROVISIONS, by adding a definition of **ACCESSORY STRUCTURE**, to read:

ACCESSORY STRUCTURE. A subordinate attached or detached **structure**, not designed or used for human habitation, which serves a function incidental to and associated with that of the *primary use* on the same *lot*.

Section 2: Change the title and subsections (a) and (b) of **4-1** ACCESSORY USES AND ACCESSORY BUILDINGS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read. -

4-1 ACCESSORY USES, ACCESSORY STRUCTURES AND ACCESSORY BUILDINGS

- (a) An *accessory use*, *accessory structure* or *accessory building* is incidental to and associated with a *primary use* on the same *lot*. *Accessory uses*, *accessory structures* and *accessory buildings* are permitted in all *zones* in which their associated *primary uses* are permitted. However, only a *use* or *building* accessory to a *single-family residence* may be erected prior to construction of its *primary use*.
- (b) *Accessory uses*, *accessory structures* and *accessory buildings* associated with *residential uses* permitted in *residential*, *commercial*, and *rural zones* are included in the list that follows. Each is followed by a designation in parentheses indicating its *setback* requirements: 'standard,' '*street frontage* only,' 'as otherwise noted,' or 'none.' Standard *setbacks* by *zone* can be found in 4-2-2 below. Additional information regarding *setbacks* is noted in 4-4-1 through 4-4-7 below.
 - (1) detached garages and carports (standard);
 - (2) storage buildings over 120 sq.ft. or of any size if situated on a permanent foundation (standard);
 - (3) children's play equipment and playhouses, (*street frontage* only);
 - (4) gazebos (standard);
 - (5) private *swimming pools* and bathhouses (standard);
 - (6) bird baths, bird houses, statuary, trellises, and flagpoles (none);-
 - (7) dog houses (*street frontage* only);
 - (8) outdoor cooking stoves and woodpiles for home use (*street frontage* only);
 - (9) fences and hedges:
 - (A) not exceeding 42" in height (none); and
 - (B) exceeding 42" in height (*street frontage* only);
 - (10) trees, shrubs, plants, flowers and elements of landscape design (none);
 - (11) curbs, walks, driveways and retaining walls (none);
 - (12) loading and *parking spaces* (as regulated in 4-6-18-a-1 and 4-6-14 below);
 - (13) mail and newspaper delivery boxes, name plates and lampposts (none);
 - (14) *signs* (as regulated in 4-8 below);
 - (15) *accessory communications towers* (as regulated in 4-11-7 below);
 - (16) root cellars and underground shelters (*street frontage* only);
 - (17) seasonal *farm* roadside stands selling produce grown only on the premises (none);
 - (18) storage of *recreational vehicles*, boats and boat trailers (as regulated in 4-4-6-a below);

- (19) outside play areas for *accessory child care* and *babysitting* (*street frontage* only);
 - (20) *home occupations* (standard);
 - (21) *rural home occupations* and related outside storage (standard);
 - (22) on-premise rental offices (standard);
 - (23) *recycling collection facilities* (only at permitted institutional *uses* such as schools, churches, fire stations and government offices, or apartment complexes, as regulated in 4-11-8 below);
 - (24) homeowner, *condominium* and tenant associations (standard);
 - (25) up to 2 horses (none); and
 - (26) other *accessory buildings* (standard).
- (c) *Accessory uses, accessory structures and accessory buildings* associated with nonresidential *uses* permitted in *residential, commercial, and rural zones* are included in the list that follows. Each is followed by a designation in parentheses indicating its *setback* requirements: 'standard,' '*street frontage* only,' 'as otherwise noted,' or 'none.' Standard *setbacks* by *zone* can be found in 4-2-2 below. Additional information regarding *setbacks* is noted in 4-4-1 through 4-4-7 below.
- (1) detached garages and carports (standard);
 - (2) storage buildings (standard);
 - (3) children's play equipment and playhouses, (*street frontage* only);
 - (4) private *swimming pools* and bathhouses (standard);
 - (5) statuary, trellises, flagpoles and woodpiles (none);
 - (6) fences and hedges (none, except in *residential zones*; see 4-1-b9 above);
 - (7) trees, shrubs, plants, flowers and elements of landscape design (none);
 - (8) *farm*-based sale of agricultural seed (standard);
 - (9) root cellars and underground shelters (*street frontage* only);
 - (10) seasonal *farm* roadside stands selling produce grown only on the premises (none);
 - (11) curbs, walks, driveways and retaining walls (none),
 - (12) loading and *parking spaces* (as regulated in 4-6-18-a-1 and 4-6-14 below);
 - (13) mail and newspaper delivery boxes, name plates and lampposts (none);
 - (14) *signs* (as regulated in 4-8 below);
 - (15) *accessory communications towers* (as regulated in 4-11-7 below);
 - (16) at permitted hotels, motels and office buildings: restaurants, newsstands, drug stores, gift shops, *swimming pools*, tennis courts, clubs and lounges (Amend 5) (standard);
 - (17) employee restaurants and cafeterias at permitted nonresidential *uses* (standard);
 - (18) retail sales at permitted industrial uses (standard);
 - (19) on-premise rental offices (standard);
 - (20) *recycling collection facilities* (as regulated in 4-11-8 below);
 - (21) a *caretaker's residence* (standard);
 - (22) automatic teller machines (ATMs), located on a bank or other primary use building (standard); (Not an *accessory use* if freestanding, unless located on the same *lot* as the bank it serves); and
 - (23) other *accessory buildings* (standard).

Section 3: Change the column headings and the abbreviation subsections in **4-2-2 SUMMARY OF STANDARD SETBACK REQUIREMENTS**, of **4-2 STANDARD DIMENSIONAL REQUIREMENTS**, of **CHAPTER 4, ADDITIONAL USE RESTRICTIONS**, to read:

SIDE	ALONG STREET FRONTAGE MINIMUM SETBACK ¹ FOR				NOT ALONG STREET FRONTAGE MINIMUM REAR MINIMUM			
	PRIM. USE BLDG., ACC. USE/STR/BLDG				SETBACK		SETBACK	
ZONE	LO	CO	SE	PR	PrmUB	AccUSB ²	PrmUB	AccUSB
ABBREVIATIONS:					RES	residential <i>use</i>		
	LO	<i>local street or place</i>			SF	<i>single-family dwelling</i>		
	CO =	<i>collector street</i>			TF	<i>two-family dwelling</i>		
	SE =	<i>secondary arterial</i>			MF	<i>multi-family dwelling</i>		

PR = *primary arterial* NRES non-residential *use*
PRIM. USE BLDG., PrmUB = *primary use building*
ACC. USE/STR/BLDG, AccUSB = *accessory use, structure or building*

Section 4: Change the title and subsections of **4-4-4 SETBACKS FOR ACCESSORY USES**, of **4-4 SETBACKS**, of **CHAPTER 4, ADDITIONAL USE RESTRICTIONS**, to read:

4-4-4 SETBACKS FOR PORCHES, DECKS AND PATIOS:

- (a) If roofed and not attached to a *primary use building*, a porch, deck or patio is an *accessory building*; it shall observe all minimum *setbacks* for *accessory uses, structures and buildings* prescribed in the table in 4-2-2 above.
- (b) If roofed and attached to a *primary use building*, a porch, deck or patio is part of that *primary use building* and not an *accessory building*; it shall observe the minimum *setbacks* for *primary use buildings* prescribed in the table in 4-2-2 above.
- (c) Whether attached to a *primary use building* or not, an unroofed porch, deck or patio is an *accessory structure*; it may extend into a minimum *rear* or *side* (but not *front*) *setback* to within 4' of a *lot line* if:
 - (1) its floor within the *setback* is no higher than the lowest floor of the *primary use building*; and
 - (2) it is not enclosed higher than 31/2' above that floor.

Section 5: Change **1-10-2, WORDS AND TERMS DEFINED**, of **1-10, DEFINITIONS**, of **CHAPTER 1, GENERAL PROVISIONS**, by limiting the jurisdictions using the definition of **KENNEL** and by adding a definition of **BREEDING KENNEL**, to read:

KENNEL (BATTLE GROUND, DAYTON, CLARKS HILL). For a *residence*, a place for keeping an aggregate of 4 or more dogs and/or cats that are at least 4 months old; for a commercial boarding facility, a place for keeping an aggregate of 4 or more dogs and/or cats and/or other small animals that are ordinarily kept as pets, that are at least 4 months old.

BREEDING KENNEL. An establishment engaged in the mating of dogs and/or cats primarily for purposes of retailing their offspring. One litter per year, produced at home by household pets, does not make a residence a **BREEDING KENNEL**.

Section 6: Change **3-2-2 AGRICULTURE, FORESTRY AND FISHING**, of **3-2 PERMITTED USE TABLE**, of **CHAPTER 3 PERMITTED USE TABLE**, to read, consecutively:

- "Kennels" (BG, DTN, CH) [with Special Condition 4-11-3, and Parking Group 6, permitted only in A, AA and AW zones, and only by Special Exception]
- 0752 Boarding kennels [with Special Condition 4-11-3, Parking Group 6, and footnote 7, permitted by right in GB and H13 zones, and by Special Exception in A, AA and AW zones]
- "Breeding kennels" [with Special Condition 4-11-3, Parking Group 6, and footnote 7; permitted only in A, AA and AW zones, and only by Special Exception]

Section 7: This ordinance shall be in full force and effect from and after the date of passage.

DENIED BY THE BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA THIS 3rd DAY OF APRIL, 2000.

THE BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE

No

Ruth E. Shedd, President

Yes

John L. Knochel, Vice President

No

Kathleen Hudson, Member

ATTEST:

Robert A. Plantenga, Auditor